UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MAURA E. LYNCH, Plaintiff, v. VILLAGE OF SAG HARBOR, SGT. THOMAS PAGANO, and STEPHEN VACCARO, Defendants.	**ECF CASE** **CASE NO. 15-CV-4630** **COMPLAINT** **JURY TRIAL DEMANDED**

COMES NOW THE PLAINTIFF, Maura E. Lynch, by her attorneys, Steven M. Warshawsky and The Warshawsky Law Firm, for her complaint against the defendants and alleging upon personal knowledge and information and belief as follows:

NATURE OF THE CASE

1. This is a civil rights action under 42 U.S.C. § 1983 and New York state law arising from the defendants' joint efforts, beginning on August 14, 2014, to wrongfully evict the plaintiff from her house at 24 Ninevah Place in Sag Harbor, without proper legal process or other legal justification. By this action, the plaintiff asserts claims for false arrest, assault and battery, unlawful search, wrongful eviction, selective prosecution, and other causes of action against defendant Sgt. Thomas Pagano and related claims against defendant Stephen Vaccaro. As alleged herein, Sergeant Pagano egregiously abused his official position and authority to injure Ms. Lynch and assist Mr. Vaccaro in unlawfully obtaining possession of property that did not belong to him. The plaintiff is entitled to compensatory damages for the harms she has suffered as a result of the defendants' unlawful conduct, punitive damages to punish and deter the defendants from engaging in similar unlawful conduct in the future, attorney's fees, costs, and

disbursements, and all available legal and equitable relief. The plaintiff demands trial by jury.

PARTIES

2. Plaintiff **Maura E. Lynch** is an adult citizen of the State of New York and resides in Sag Harbor, New York. Her current address is 24 Ninevah Place, Sag Harbor, New York, 11963.

3. Defendant **Village of Sag Harbor** is an incorporated municipality in the State of New York. The Mayor of Sag Harbor is Sandra Schroeder. The Clerk of Sag Harbor is Beth Kamper. Their offices are located at Village Hall, 55 Main Street, Sag Harbor, New York, 11963; (631) 725-0222. The Village of Sag Harbor is being sued under New York state law, pursuant to the doctrine of respondeat superior.

4. Defendant **Sgt. Thomas Pagano** is an employee of the Sag Harbor Police Department. His rank is sergeant and, upon information and belief, his badge number is 300. His place of business is the Sag Harbor Police Department located at 70 Division Street, Sag Harbor, New York, 11963; (631) 725-0247. Sergeant Pagano personally participated in the unlawful conduct alleged herein. At all relevant times, Sergeant Pagano was acting under color of state law and in the scope of his employment with the Sag Harbor Police Department. Sergeant Pagano is being sued in his individual capacity under 42 U.S.C. § 1983 and New York state law.

5. Defendant **Stephen Vaccaro** is an adult citizen of the State of New York and resides in Sag Harbor, New York. Upon information and belief, Mr. Vaccaro's current address is 26 Dartmouth Road, Sag Harbor, New York, 11963. Mr. Vaccaro personally participated in the unlawful conduct alleged herein. Mr. Vaccaro is being sued

in his individual capacity under 42 U.S.C. § 1983, pursuant to the "joint action" doctrine, and New York state law.

6. Ms. Lynch and Mr. Vaccaro were married in September 1997. They separated in January 2009 and were divorced in July 2013. They have two minor children, over whom they share legal and physical custody. This case takes place against the background of ongoing state court proceedings relating to their divorce and the division of their marital properties.

JURISDICTION AND VENUE

7. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343, because this action arises under the Constitution and civil rights laws of the United States.

8. This Court has supplemental jurisdiction over the plaintiff's state law claims pursuant to 28 U.S.C. § 1367, because the plaintiff's federal and state law claims derive from a common nucleus of operative facts and form part of the same case or controversy under Article III of the U.S. Constitution.

9. This Court has venue over this action pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the plaintiff's claims occurred in this judicial district.

10. There are no administrative exhaustion requirements for bringing the present civil rights claim under 42 U.S.C. § 1983.

11. Plaintiff served a notice of claim on the Village of Sag Harbor and the Sag Harbor Police Department within 90 days of the incidents in question. The defendants conducted a 50-h hearing of the plaintiff on March 16, 2015. This action is being brought

more than 30 days after the notice of claim was served on the defendants and within one year and 90 days after the incidents in question.

FACTUAL ALLEGATIONS

12. This case began on Thursday, August 14, 2014, at Ms. Lynch's house at 24 Ninevah Place in Sag Harbor. On that date, Ms. Lynch was living in the house with her children and her brother.

13. At all relevant times, Ms. Lynch lawfully occupied the house at 24 Ninevah Place.

14. Ms Lynch has owned the house at 24 Ninevah Place since April 2008. The house is titled in her name only. The house was among the marital properties divided between Ms. Lynch and Mr. Vaccaro in connection with their divorce. Prior to the events in this case, in accordance with various state court orders, Ms. Lynch selected the house at 24 Ninevah Place to be included in her portion of the distribution of marital assets. At no time relevant to this case was Mr. Vaccaro awarded ownership, possession, or control over 24 Ninevah Place by the state court.

15. On August 14, 2014, Mr. Vaccaro telephoned the Sag Harbor Police Department and falsely reported to Sergeant Pagano that Ms. Lynch was trespassing at 24 Ninevah Place. Mr. Vaccaro falsely advised Sergeant Pagano that he had been awarded possession of the house by the state court. Mr. Vaccaro's statements to Sergeant Pagano were knowingly false. His actions were malicious and intended to injure Ms. Lynch and unlawfully obtain possession of property that did not belong to him.

16. Around 4:30 p.m., Sergeant Pagano, accompanied by an unidentified male police officer, drove in a marked patrol car to the house to investigate the situation. They parked and went up to the house. They were wearing uniforms and carrying guns.

The officers entered the backyard and knocked on the back door, which was answered by Ms. Lynch's brother, who called for Ms. Lynch. Ms. Lynch went outside to meet the officers and asked them to go with her to the front of the house out of sight of her children, which they did. Ms. Lynch spoke to Sergeant Pagano while standing in the driveway.

17. Sergeant Pagano told Ms. Lynch that he had received a call from Mr. Vaccaro, who claimed that Ms. Lynch was not supposed to be at the house, which Ms. Lynch denied. When Ms. Lynch asked if her ex-husband had a court order, Sergeant Pagano told her that he (Mr. Vaccaro) had gone to get some paperwork and would be returning shortly. (Apparently, Sergeant Pagano had met Mr. Vaccaro at the house before knocking on the door and speaking with Ms. Lynch.) Ms. Lynch went back inside the house, while Sergeant Pagano and his partner waited at the scene for Mr. Vaccaro.

18. Approximately 10-20 minutes later, Sergeant Pagano knocked on the door to the house, Ms. Lynch exited, and they resumed their conversation while standing in the driveway. Sergeant Pagano had a copy of a court order that Mr. Vaccaro had given to him, which he showed to Ms. Lynch. Sergeant Pagano incorrectly claimed, based on false information provided to him by Mr. Vaccaro and Mr. Vaccaro's attorney, Thomas Campagna (whom Sergeant Pagano spoke to at the scene by cell phone), and by his own failure to read the order carefully, that the order stated that Ms. Lynch was not supposed to be at the house, which Ms. Lynch denied. Ms. Lynch explained that the court order in question, which was dated November 26, 2013, was a conditional order, she had satisfied the required conditions, and, therefore, she was entitled to occupy the house.

19. Specifically, the November 26, 2013 Order provided that "plaintiff's [Mr. Vaccaro's] application to exclude defendant [Ms. Lynch] from 24 Ninevah is GRANTED and **is effective in 30 days from the date of this order** should the defendant fail to pay the plaintiff for his interest in said property by said date as per this

Court's prior order dated May 3, 2013 . . . ." The order further provided that "the Suffolk County Sheriff is directed to assist plaintiff in the exclusion of defendant from 24 Ninevah in accordance with this order." The order further provided that "plaintiff's request for an order directing the sale of 24 Ninevah is GRANTED **should the defendant fail to pay** the sums due plaintiff as directed above." (Emphases added.)

20. On its face, the November 26, 2013 Order did not exclude Ms. Lynch from the house at 24 Ninevah Place. Moreover, as Ms. Lynch explained to Sergeant Pagano, she had satisfied the conditions imposed by the order. Consequently, no eviction action had been undertaken by the Suffolk County Sheriff and no order directing the sale of the house had been entered by the state court.

21. Under the circumstances, despite what he had been told by Mr. Vaccaro and Mr. Campagna, it was not reasonable for Sergeant Pagano to believe that the order prohibited Ms. Lynch from occupying the house at 24 Ninevah Place. Nor was it reasonable for Sergeant Pagano to credit Mr. Vaccaro's claim that Ms. Lynch had not satisfied the conditions of the order over her claim that she had. Throughout this incident, Sergeant Pagano openly sided with Mr. Vaccaro and treated Ms. Lynch in a hostile, malicious, and discriminatory manner.

22. During this conversation between Sergeant Pagano and Ms. Lynch, Mr. Vaccaro and his fiancée were sitting inside his car parked on the street in the front of the house. Sergeant Pagano went back and forth between Ms. Lynch and Mr. Vaccaro multiple times during the conversation, obviously taking direction from Mr. Vaccaro and his attorney (on the cell phone) regarding how to handle the situation. Sergeant Pagano accepted Mr. Vaccaro's claim, which was false, that Ms. Lynch had not satisfied the conditions imposed by the November 26, 2013 Order. Sergeant Pagano demanded proof that she was entitled to occupy the house.

23. When Ms. Lynch started to go inside the house to get the proof, however, Sergeant Pagano suddenly became agitated and suspicious and grabbed her arm forcefully, preventing her from going inside. Ms. Lynch told him repeatedly to "get your hands off me" and when he refused to let go she tried to pull away from him. Then Sergeant Pagano's partner grabbed her too. The officers were holding her arms and shoulders and pushing her back up against the house. Ms. Lynch yelled for her brother to come help her. Her brother came out of the house, but the officers continued to restrain her, for several minutes in total. Ms. Lynch started having a panic attack and told the officers "I have PTSD" and "you are freaking me out." This was a frightening, intimidating, and upsetting experience for Ms. Lynch. When the officers finally released her, they continued to stand extremely close to her and would not allow her to move. At one point, Sergeant Pagano threatened to handcuff her. Ms. Lynch asked Sergeant Pagano why he waited for her ex-husband to bring his legal documents but would not allow Ms. Lynch to go inside the house to get hers.

24. There was no probable cause, reasonable suspicion, or other legal justification for Sergeant Pagano to physically restrain Ms. Lynch. His actions were a blatant abuse of police authority.

25. Sergeant Pagano eventually allowed Ms. Lynch to go inside the house and retrieve her legal documents. Although she asked him several times to remain outside, Sergeant Pagano followed her inside the house. When Ms. Lynch told him that she did not want her children to see what was happening, Sergeant Pagano dismissively told her, "Don't worry about your kids." Ms. Lynch did not give him permission to enter the house. Sergeant Pagano stood in the kitchen area, in full view of Ms. Lynch's children, while Ms. Lynch went upstairs to collect her paperwork. Sergeant Pagano's behavior was very

frightening and intimidating for Ms. Lynch, who still was upset from being assaulted by the police officers outside the house.

26. Ms. Lynch did not consent to Sergeant Pagano entering the house. Sergeant Pagano did not have a warrant authorizing him to enter the house. There were no exigent circumstances justifying his entering the house. His actions were a blatant abuse of police authority.

27. Ms. Lynch gathered several legal documents that she showed to Sergeant Pagano after they went back outside. The documents clearly demonstrated that she was entitled to occupy the house. Among the documents that Ms. Lynch showed to Sergeant Pagano were: a copy of the deed showing that she was the owner of the house, a letter from her attorney to Mr. Vaccaro's attorney outlining the terms of the buyout in accordance with the November 26, 2013 Order, and the transcript from a state court hearing on March 4, 2014, and a state court order dated May 20, 2014, both of which postdated the November 26, 2013 Order and both of which confirmed that Ms. Lynch had not been ordered out of the house.

28. At the state court hearing on March 4, 2014, in response to Mr. Campagna's arguments to the court, Ms. Lynch, acting pro se, stated: "I was never ordered out of Ninevah." The court replied: "I believe you are correct." At another point during the hearing, Ms. Lynch stated: "With regard to Ninevah, once again, Mr. Campagna made a misrepresentation to this Court saying I was ordered out of that property. I was never ordered out of that property." The court replied: "That's correct." A fair reading of this transcript indicates that Ms. Lynch was not prohibited from occupying the house at 24 Ninevah Place. Ms. Lynch showed these passages to Sergeant Pagano.

29. The May 20, 2014 Order was a combined order to show cause and draft order prepared by Mr. Vaccaro's attorney and signed by the state court judge.

Significantly, on the order to show cause, the judge crossed out the language stating that "the Plaintiff [Mr. Vaccaro] is authorized in his capacity as Receiver for the property located at 24 Ninevah Place, Sag Harbor to enter into a contract of sale and to close said contract of sale and otherwise fulfill all obligations thereunder." Furthermore, on the draft order the judge repeatedly crossed out the language indicating that Mr. Vaccaro was the Receiver of the house at 24 Ninevah Place and authorizing him to exercise control over the property. A fair reading of this order indicates that Ms. Lynch was not prohibited from occupying the house at 24 Ninevah Place. Ms. Lynch showed this order to Sergeant Pagano.

30. Ms. Lynch explained to Sergeant Pagano that her ex-husband was wrong in stating that she was not allowed to be at the house. She showed Sergeant Pagano the legal documents that contradicted her ex-husband's position. She pointed out that there was no court order excluding her from the house. Sergeant Pagano stubbornly refused to believe her, however, dumbly parroting Mr. Vaccaro's false claim that the November 26, 2013 Order excluded her from the house. No matter what Ms. Lynch said or what documents she showed him, Sergeant Pagano sided with her ex-husband.

31. After several minutes of this conversation, Sergeant Pagano told Ms. Lynch, "I am going to need you to come down to the station." When Ms. Lynch told him that she did not want to go to the police station, that she had showed him proof of her right to be in the house, and that she was going back inside the house to be with her children, Sergeant Pagano threatened to arrest her if she did not go with him to the station. When Ms. Lynch asked him on what grounds, he said criminal trespass. When Ms. Lynch asserted that there was nothing to support such a charge, Sergeant Pagano stated that he would write it up that way anyway.

32. There was no probable cause, reasonable suspicion, or other legal justification for Sergeant Pagano to threaten to arrest Ms. Lynch for criminal trespass or any other offense. His actions were a blatant abuse of police authority.

33. Under threat of arrest, Ms. Lynch reluctantly agreed to go to the police station with Sergeant Pagano. She called an attorney, who said he would meet her at the station and try to straighten out the situation.

34. As they were leaving, Ms. Lynch saw her ex-husband get out of his car and walk across the front lawn towards the door to the house. Ms. Lynch protested to Sergeant Pagano that she had a notice of trespass against Mr. Vaccaro for the Ninevah property, which Sergeant Pagano knew about because he was the police officer who witnessed the notice eleven months prior. When Sergeant Pagano made no attempt to stop Mr. Vaccaro, Ms. Lynch said, "You have to tell him to get out of here or I am not going anywhere." Eventually, Sergeant Pagano told Mr. Vaccaro to leave, and he instructed another unidentified male police officer to remain at the house and not allow Mr. Vaccaro onto the property.

35. Ms. Lynch drove in her own car to the Sag Harbor Police Department building. Her attorney met her at the station. Sergeant Pagano placed Ms. Lynch in one office, while he spoke with her attorney in another office. They spoke for about 15 minutes. Then they returned to the office with Ms. Lynch, reviewed the legal documents that Ms. Lynch had brought with her, and agreed that the Sag Harbor Police Department had no jurisdiction over this matter, which was a civil matter between Ms. Lynch and her ex-husband. At that point, around 7:30 p.m., Ms. Lynch was allowed to go home.

36. While she was at the police station, Ms. Lynch showed Sergeant Pagano a letter stating that she was a client at The Retreat, an organization that provides

comprehensive services for victims of domestic violence. Sergeant Pagano mocked her, saying, "Yeah, Maura, always the victim."

37. While Ms. Lynch was at the station, Mr. Vaccaro returned to the house at 24 Ninevah Place. The police officer at the scene called Sergeant Pagano, who informed Ms. Lynch. When Ms. Lynch left the station, Sergeant Pagano drove back to the house to discuss the situation with Mr. Vaccaro. Ms. Lynch observed Sergeant Pagano and Mr. Vaccaro conversing at the house. Mr. Vaccaro was sitting inside his car parked in the driveway and Sergeant Pagano was standing and speaking with him through the open driver's side window. Ms. Lynch overheard Sergeant Pagano invite Mr. Vaccaro back to the police station to discuss what he (Sergeant Pagano) should put in the incident report. At one point, Sergeant Pagano asked Ms. Lynch when she would be dropping off her children for visitation with Mr. Vaccaro. She told him the next day, Friday, at 5:00 p.m., at her ex-husband's house. After approximately 5 minutes, both Sergeant Pagano and Mr. Vaccaro left the house.

38. Later that evening, around 8:30 p.m., Sergeant Pagano completed an incident report #14-03042 for the events in question. For incident type, he wrote: "Civil: Possible Criminal Trespass." He reported that the incident occurred on August 14, 2014, from 16:22 [4:22 p.m.] to 19:45 [7:45 p.m.]. In the narrative, he wrote: "Vaccaro, Stephen reports his ex wife, Lynch, Maura, is trespassing at property located at 25 [sic] Ninevah Place. Upon arrival with 797 V/C stated Maura Lynch did break into the residence in violation of a supreme court order index # 38437 10. She entered said residence with her brother, Michael Lynch of Cherub Lane Setauket, NY and V/C's two children. According to V/C she was excluded from said property V/C did not enter property nor did he have any contact with Maura Lynch. Advised V/C this appeared to be a civil matter at this time. It is unclear how long Maura Lynch has been at this residence and according to order it reads

the Suffolk County Sheriff is directed to assist plaintiff in the exclusion of defendant from 24 Ninevah Place. Advised V/C to get an amended order as he reports he has receivership of property. V/C will go to Supreme Court and contact the Sheriff's Department in the AM."

39. Although Sergeant Pagano's incident report does not provide a complete description of what happened, he acknowledged that the dispute between Ms. Lynch and Mr. Vaccaro "appeared to be a civil matter" and he advised Mr. Vaccaro "to get an amended order" from the state court to support his claim that he "has receivership of [the] property." Why would Mr. Vaccaro need an amended order? Because the legal documents provided by Ms. Lynch, in particular the May 20, 2014 Order, clearly showed that Mr. Vaccaro was not the Receiver of the property, which Sergeant Pagano knew.

40. At no time relevant to this case did Mr. Vaccaro obtain a state court order designating him the Receiver of the house at 24 Ninevah Place or otherwise awarding him ownership, possession, or control over the property.

41. Undeterred by the lack of a court order supporting his position, the next day, August 15, 2014, Mr. Vaccaro returned to the police station and again falsely reported that Ms. Lynch was "trespassing" on the property. Mr. Vaccaro knew that she was not "trespassing" on the property. His actions were malicious and intended to injure Ms. Lynch and unlawfully obtain possession of property that did not belong to him.

42. That afternoon, around 4:20 p.m., Sergeant Pagano completed another incident report #14-03062. For incident type, he wrote: "Civil: Possible Criminal Trespass." He reported that the incident occurred on August 15, 2014, from 15:02 [3:02 p.m.] to 16:15 [4:15 p.m.]. In the narrative, he wrote: "Vaccaro, Stephen into Police HQ re to CC #14 03042 a possible criminal trespass involving his ex wife, Lynch, Maura [birthdate redacted], at 25 [sic] Ninevah Place. Contacted ADA Jacob Dellauta 321 432 3806, he advised in order to get a criminal trespass, Maura Lynch, should be notified in person as

per court order docket # 38437 10." Upon information and belief, the ADA's name is Jacob De Lauter, who is employed by the Suffolk County District Attorney's Office.

43. Upon information and belief, the "court order" referred to in the incident report was the November 26, 2013 Order, which did not exclude Ms. Lynch from the Ninevah property. Upon information and belief, Sergeant Pagano, acting on behalf of and at the direction of Mr. Vaccaro, falsely advised the ADA that this order excluded Ms. Lynch from the house at 24 Ninevah Place. Upon information and belief, Sergeant Pagano, acting on behalf of and at the direction of Mr. Vaccaro, intentionally failed to inform the ADA about the May 20, 2014 Order and the other legal documents showing that Ms. Lynch had not been excluded from the property. Sergeant Pagano's actions were malicious and discriminatory and intended to injure Ms. Lynch and assist Mr. Vaccaro in unlawfully obtaining possession of property that did not belong to him.

44. That afternoon, around 5:00 p.m., Ms. Lynch drove to Mr. Vaccaro's house at 26 Dartmouth Road and dropped off her children for their visitation. They would be spending the next week with Mr. Vaccaro, returning to Ms. Lynch the next Friday.

45. After she had dropped off her children, Sergeant Pagano drove up in his police cruiser and stopped next to Ms. Lynch's car and spoke to her through their open windows. He told her that he had spoken with the ADA and the ADA had advised him that, as long as he warned her in advance, he could arrest her for trespassing at the Ninevah house. Sergeant Pagano then told Ms. Lynch that if he saw her at the house, he was going to arrest her. When Ms. Lynch asked for a court order or other legal documentation authorizing his actions, Sergeant Pagano simply repeated that the ADA told him he could arrest her. Then he drove off, parked, and went inside Mr. Vaccaro's house.

46. There was no probable cause, reasonable suspicion, or other legal justification for Sergeant Pagano to threaten to arrest Ms. Lynch for criminal trespass or

any other offense. Sergeant Pagano did not have a warrant or other legal process authorizing him to evict Ms. Lynch from the property. His actions were a blatant abuse of police authority.

47. Upon information and belief, the ADA had not advised Sergeant Pagano that he could arrest Ms. Lynch for trespassing at the Ninevah house. Sergeant Pagano intentionally and maliciously misrepresented the ADA's advice in order to carry out his plan, on behalf of and at the direction of Mr. Vaccaro, to exclude Ms. Lynch from the house at 24 Ninevah Place.

48. That afternoon, around 5:45 p.m., Sergeant Pagano completed another incident report #14-03064. For incident type, he wrote: "Trespass: Notice of Trespass." He reported that the incident occurred on August 15, 2014, from 17:00 [5:00 p.m.] to 17:31 [5:31 p.m.]. He wrote that the incident occurred at 26 Dartmouth Road in Sag Harbor. In the narrative, he wrote: "Advised Lynch, Maura [birthdate redacted] of her trespassing on property of 24 Ninevah Place as per court order. Vaccaro Stephen did sign a notice of trespass. Advised Maura Lynch not to go back to property located at 24 Ninvah [sic] Place."

49. Upon information and belief, the "court order" referred to in the incident report was the November 26, 2013 Order, which did not exclude Ms. Lynch from the Ninevah property. Sergeant Pagano intentionally ignored the May 20, 2014 Order and the other legal documents showing that Ms. Lynch had not been excluded from the property. Sergeant Pagano's actions were malicious and discriminatory and intended to injure Ms. Lynch and assist Mr. Vaccaro in unlawfully obtaining possession of property that did not belong to him.

50. Mr. Vaccaro had no legal authority to execute a notice of trespass against Ms. Lynch for the house at 24 Ninevah Place. He knew he had no such authority.

His actions were malicious and intended to injure Ms. Lynch and unlawfully obtain possession of property that did not belong to him.

51. Scared that she was going to be arrested and that Mr. Vaccaro would be allowed inside the house, Ms. Lynch went home and started packing her personal belongings, valuables, and legal documents into her car. She was convinced that once she left the house, Mr. Vaccaro would go back inside. With nowhere to go that night, she spent an anxious night at the house, then left the next morning. When she left the house, she locked all the doors and windows and posted the notice of trespass that she had executed against Mr. Vaccaro on each door.

52. That day, Saturday, August 16, 2014, Ms. Lynch called the police station and made an appointment with Sergeant Pagano. She met with him around 5:00 p.m. She was accompanied by a friend. At the meeting, Ms. Lynch again went over her legal documents and explained that she was allowed to be in the house. She pleaded with Sergeant Pagano to reconsider his trespass order. All Sergeant Pagano said was that he did not want anybody at the house and that she should obtain a court order giving her permission to be there. He reiterated that he would arrest her if he saw her at the house. Sergeant Pagano showed Ms. Lynch the notice of trespass that had been executed by Mr. Vaccaro and witnessed by Sergeant Pagano. When Ms. Lynch asked what proof of ownership Mr. Vaccaro had provided him, Sergeant Pagano admitted that he had not been shown anything. He also gave Ms. Lynch copies of the incident reports. Their conversation lasted about an hour.

53. That night, Ms. Lynch was forced to sleep in her car. The next day, she contacted some friends who allowed her to sleep at their homes. For the next six days and nights, until Friday, August 22, 2014, she was excluded from her house.

54. Mr. Vaccaro or someone acting on his behalf took photographs of Ms. Lynch sleeping in her car and Mr. Vaccaro threatened to use them against her in the state court proceedings to deprive her of custody of their children.

55. On Monday, August 18, 2014, Ms. Lynch called the ADA listed in the incident report, who supposedly advised Sergeant Pagano that he could arrest Ms. Lynch for trespassing. The ADA's demeanor during the telephone call was impatient and rude, but he told Ms. Lynch that the District Attorney's Office does not tell the police what to do and that Sergeant Pagano made the decision on his own.

56. Later that week, Ms. Lynch met with another lawyer who agreed that none of this should have happened to her, and he wrote a letter to the Police Chief explaining the situation. Based on her lawyer's assurances that she would not be arrested, Ms. Lynch returned to the Ninevah house that Friday. She was not arrested.

57. When Ms. Lynch returned to her house on August 22, her trespass notices were gone and the locks had been changed, obviously by Mr. Vaccaro.

58. Upon information and belief, after receiving the lawyer's letter, the Police Chief put a stop to Sergeant Pagano's unlawful and abusive mistreatment and harassment of Ms. Lynch.

59. The state court proceedings between Ms. Lynch and Mr. Vaccaro are ongoing. Despite her ex-husband's determined efforts to obtain possession of the property, Ms. Lynch continues to reside at 24 Ninevah Place.

CLAIMS AGAINST DEFENDANT SAG HARBOR

60. Defendant Village of Sag Harbor is vicariously liable under New York state law, pursuant to the doctrine of respondent superior, for defendant Sgt. Thomas Pagano's violations of the plaintiff's state law rights, as alleged herein.

61. No claim is made against the Village of Sag Harbor in its municipal capacity under 42 U.S.C. § 1983, pursuant to Monell v. Department of Social Services, 436 U.S. 658 (1978), and its progeny.

CLAIMS AGAINST DEFENDANT PAGANO

62. Based on the factual allegations set forth above, along with reasonable inferences drawn in the plaintiff's favor, defendant Sgt. Thomas Pagano is liable to the plaintiff under federal and state law, as follows:

63. Count One: unreasonable seizure in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, for physically restraining Ms. Lynch at her house on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification.

64. Count Two: assault and battery in violation of New York state law, for physically restraining Ms. Lynch at her house on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification. Defendant Sag Harbor is vicariously liable for this violation.

65. Count Three: unlawful search in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, for entering Ms. Lynch's house on August 14, 2014, without consent, without a warrant, and in the absence of exigent circumstances.

66. Count Four: trespass in violation of New York state law, for entering Ms. Lynch's house on August 14, 2014, without consent, without a warrant, and in the absence of exigent circumstances. Defendant Sag Harbor is vicariously liable for this violation.

67. Count Five: false arrest in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, for threatening Ms. Lynch with arrest and compelling her to go to the police station on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification.

68. Count Six: false arrest in violation of New York state law, for threatening Ms. Lynch with arrest and compelling her to go to the police station on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification. Defendant Sag Harbor is vicariously liable for this violation.

69. Count Seven: unreasonable seizure in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, for threatening Ms. Lynch with arrest and compelling her to vacate her house on August 15, 2014, without probable cause, reasonable suspicion, or other legal justification, and without a warrant or other legal process authorizing him to evict her from the property.

70. Count Eight: wrongful eviction in violation of New York state law, for threatening Ms. Lynch with arrest and compelling her to vacate her house on August 15, 2014, without probable cause, reasonable suspicion, or other legal justification, and without a warrant or other legal process authorizing him to evict her from the property. Defendant Sag Harbor is vicariously liable for this violation.

71. Count Nine: selective enforcement in violation of the Fourteenth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, for siding with Mr. Vaccaro over Ms. Lynch in the parties' state court property dispute and using his

official position and authority to injure Ms. Lynch and assist Mr. Vaccaro in unlawfully obtaining possession of property that did not belong to him.

72. Sergeant Pagano is not entitled to qualified immunity for any of these violations. In each instance, the plaintiff's federal and state law rights were clearly established and were known or should have been known to Sergeant Pagano. In each instance, it was not reasonable for Sergeant Pagano to believe his actions did not violate the plaintiff's federal and state law rights.

73. In each instance, Sergeant Pagano acted with intentional, knowing, callous, and/or reckless indifference to the plaintiff's federal and state law rights.

74. As a result of Sergeant Pagano's unlawful conduct, Ms. Lynch suffered loss of liberty, emotional pain and suffering, physical pain and suffering, out of pocket expenses, and other pecuniary and non-pecuniary injuries, for which she is entitled to an award of compensatory damages.

75. Ms. Lynch is entitled to an award of punitive damages to punish Sergeant Pagano for his unlawful conduct and to deter him from engaging in similar unlawful conduct in the future.

CLAIMS AGAINST DEFENDANT VACCARO

76. Based on the factual allegations set forth above, along with reasonable inferences drawn in the plaintiff's favor, defendant Stephen Vaccaro is liable to the plaintiff under federal and state law, as follows:

77. Count Ten: false arrest in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, in connection with Sergeant Pagano's threatening Ms. Lynch with arrest and compelling her to go to the police station on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification.

Mr. Vaccaro is liable for Sergeant Pagano's actions because he affirmatively instigated, encouraged, and played an active role in the plaintiff's arrest; he made the false complaint of trespassing against Ms. Lynch that initiated the events in question; and he and his attorney (as his agent) participated in the events in question, provided false information to Sergeant Pagano, encouraged him to take action against Ms. Lynch, and unduly influenced Sergeant Pagano's investigation and handling of the complaint. Mr. Vaccaro is subject to liability under 42 U.S.C. § 1983 because he and his attorney (as his agent) knowingly and intentionally collaborated with and improperly influenced or controlled Sergeant Pagano's investigation and handling of the complaint.

78. Count Eleven: false arrest in violation of New York state law, in connection with Sergeant Pagano's threatening Ms. Lynch with arrest and compelling her to go to the police station on August 14, 2014, without probable cause, reasonable suspicion, or other legal justification. Mr. Vaccaro is liable for Sergeant Pagano's actions because he affirmatively instigated, encouraged, and played an active role in the plaintiff's arrest; he made the false complaint of trespassing against Ms. Lynch that initiated the events in question; and he and his attorney (as his agent) participated in the events in question, provided false information to Sergeant Pagano, encouraged him to take action against Ms. Lynch, and unduly influencing Sergeant Pagano's investigation and handling of the complaint.

79. Count Twelve: abuse of process in violation of New York state law, for executing and filing a notice of trespass against Ms. Lynch on August 15, 2014, which he knew was false and without legal authority and which he knew would be relied upon by Sergeant Pagano to exclude Ms. Lynch from the Ninevah property. Mr. Vaccaro's actions were malicious and intended to injure Ms. Lynch and unlawfully obtain possession of property that did not belong to him.

80. Count Thirteen: unreasonable seizure in violation of the Fourth Amendment of the U.S. Constitution, pursuant to 42 U.S.C. § 1983, in connection with Sergeant Pagano's threatening Ms. Lynch with arrest and compelling her to vacate her house on August 15, 2014, without probable cause, reasonable suspicion, or other legal justification, and without a warrant or other legal process authorizing him to evict her from the property. Mr. Vaccaro is liable for Sergeant Pagano's actions because he affirmatively instigated, encouraged, and played an active role in the plaintiff's eviction; he executed and filed the false notice of trespass against Ms. Lynch that initiated the events in question; and he provided false information to Sergeant Pagano, encouraged him to take action against Ms. Lynch, and unduly influenced Sergeant Pagano's handling of the situation. Mr. Vaccaro is subject to liability under 42 U.S.C. § 1983 because he knowingly and intentionally collaborated with and improperly influenced or controlled Sergeant Pagano's investigation and handling of the situation.

81. Count Fourteen: wrongful eviction in violation of New York state law, in connection with Sergeant Pagano's threatening Ms. Lynch with arrest and compelling her to vacate her house on August 15, 2014, without probable cause, reasonable suspicion, or other legal justification, and without a warrant or other legal process authorizing him to evict her from the property. Mr. Vaccaro is liable for Sergeant Pagano's actions because he affirmatively instigated, encouraged, and played an active role in the plaintiff's eviction; he executed and filed the false notice of trespass against Ms. Lynch that initiated the events in question; and he provided false information to Sergeant Pagano, encouraged him to take action against Ms. Lynch, and unduly influenced Sergeant Pagano's handling of the situation.

82. Count Fifteen: trespass in violation of New York state law, for entering Ms. Lynch's house sometime between August 15, 2014, and August 22, 2014,

without permission and without a warrant or other legal process authorizing him to enter the property.

83. Count Sixteen: intentional infliction of emotional distress in violation of New York state law, for making false complaints of trespassing against Ms. Lynch and affirmatively procuring her arrest and eviction, without legal justification, as alleged herein. Mr. Vaccaro's conduct was extreme and outrageous and was intended to, and did, cause severe emotional distress to Ms. Lynch.

84. In each instance, Mr. Vaccaro acted with intentional, knowing, callous, and/or reckless indifference to the plaintiff's federal and state law rights.

85. As a result of Mr. Vaccaro's unlawful conduct, Ms. Lynch suffered loss of liberty, emotional pain and suffering, physical pain and suffering, out of pocket expenses, and other pecuniary and non-pecuniary injuries, for which she is entitled to an award of compensatory damages.

86. Ms. Lynch is entitled to an award of punitive damages to punish Mr. Vaccaro for his unlawful conduct and to deter him from engaging in similar unlawful conduct in the future.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the plaintiff demands a trial by jury as to all issues triable by jury in the above-captioned civil action.

PRAYER FOR RELIEF

WHEREFORE the plaintiff prays for relief against the defendants as follows:

A. A judgment declaring that Sergeant Pagano is liable for unreasonable seizure (Count One) and awarding compensatory and punitive damages in an amount no less than $100,000;

B. A judgment declaring that Sergeant Pagano and the Village of Sag Harbor is liable for assault and battery (Count Two) and awarding compensatory and punitive damages in an amount no less than $100,000;

C. A judgment declaring that Sergeant Pagano is liable for unlawful search (Count Three) and awarding compensatory and punitive damages in an amount no less than $50,000;

D. A judgment declaring that Sergeant Pagano and the Village of Sag Harbor is liable for trespass (Count Four) and awarding compensatory and punitive damages in an amount no less than $50,000;

E. A judgment declaring that Sergeant Pagano is liable for false arrest (Count Five) and awarding compensatory and punitive damages in an amount no less than $150,000;

F. A judgment declaring that Sergeant Pagano and the Village of Sag Harbor is liable for false arrest (Count Six) and awarding compensatory and punitive damages in an amount no less than $150,000;

G. A judgment declaring that Sergeant Pagano is liable for unreasonable seizure (Count Seven) and awarding compensatory and punitive damages in an amount no less than $500,000;

H. A judgment declaring that Sergeant Pagano and the Village of Sag Harbor is liable for wrongful eviction (Count Eight) and awarding compensatory and punitive damages in an amount no less than $500,000;

I. A judgment declaring that Sergeant Pagano is liable for selective enforcement (Count Nine) and awarding compensatory and punitive damages in an amount no less than $500,000;

J. A judgment declaring that Stephen Vaccaro is liable for false arrest (Count Ten) and awarding compensatory and punitive damages in an amount no less than $100,000;

K. A judgment declaring that Stephen Vaccaro is liable for false arrest (Count Eleven) and awarding compensatory and punitive damages in an amount no less than $100,000;

L. A judgment declaring that Stephen Vaccaro is liable for abuse of process (Count Twelve) and awarding compensatory and punitive damages in an amount no less than $500,000;

M. A judgment declaring that Stephen Vaccaro is liable for unreasonable seizure (Count Thirteen) and awarding compensatory and punitive damages in an amount no less than $500,000;

N. A judgment declaring that Stephen Vaccaro is liable for wrongful eviction (Count Fourteen) and awarding compensatory and punitive damages in an amount no less than $500,000;

O. A judgment declaring that Stephen Vaccaro is liable for trespass (Count Fifteen) and awarding compensatory and punitive damages in an amount no less than $50,000;

P. A judgment declaring that Stephen Vaccaro is liable for intentional infliction of emotional distress (Count Sixteen) and awarding compensatory and punitive damages in an amount no less than $500,000;

Q. An order imposing appropriate equitable remedies on the defendants;

R. Pre-judgment and post-judgment interest as allowed by law;

S. Attorney's fees, costs, and disbursements as allowed by law; and

T. All other relief that the plaintiff may be entitled to under law, or as justice may require.

Dated: August 7, 2015
New York, NY

Respectfully submitted,

By: Steven M. Warshawsky
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